HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15979 of 2006

Dated:18.09.2006

Between:

Smt.Ponnapu Pamulamma, and another.

…Petitioner

and

A.P.Transco and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15979 of 2006

ORDER:

The first petitioner is the wife and the second petitioner is the son of late Surayya, who allegedly died on 23.05.2000 due to electrocution on coming into contact with the loose 11 K.V wire/transmissions line from Pedabuddepalli to Nathavaram. The Police also registered a case in Crime No.28 of 2000 of P.S.Nathavaram. Alleging that Surayya died due to negligence of the respondents, the present Writ Petition is filed seeking a declaration that the action of the respondents in not paying a sum of Rs.5,00,000/- towards compensation as illegal and arbitrary.

It is no doubt true that the first petitioner made a representation, dated 29.05.2000, to the second respondent seeking compensation. The same, however, does not give rise to any cause of action to the petitioners to approach this Court under Article 226 of the Constitution of India. I n **Chairman, Grid Corporation of Orissa Limited v. Sukamani Das**[1] the Supreme Court laid down that when death occurs due to electrocution by reason of alleged negligence on the part of the Electricity Authorities, a Writ Petition for compensation would not ordinarily lie. The following are the relevant observations.

…The mere fact that the wire of the electric

> transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defenses raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorized intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy…

Though no specific relief is sought in the Writ Petition, the learned Counsel for the petitioners brought to the notice of this Court the orders of the Government in G.O.Ms.No.702, dated 30.09.1999, wherein while framing a scheme for accident insurance for those below poverty line, the Government sanctioned a sum of Rupees Five Crores towards payment of insurance premium to cover the persons below poverty line during the period 02.10.1999 to 01.10.2000. If the petitioners claim any such insurance covered under the said Government Order, liberty is given to the petitioners to approach the District Collector by filing appropriate application. In this Writ Petition no relief can be granted.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

18.09.2006
vs

[1] (1999) 7 SCC 298